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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,331	03/25/2004	Roman Visos Rodriguez	PRT 3005	5426

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KRAMER & AMADO, P.C.
Suite 240
1725 Duke Street
Alexandria, VA 22314

EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
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3781

MAIL DATE	DELIVERY MODE
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06/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/808,331

Applicant(s)

RODRIGUEZ, ROMAN VISOS

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

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1. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how the cap or the cover being collapsible.

The recitations "the larger base", "the top and bottom halves", "the compartment", has no antecedent basis.

The recitations "means of joint members", "locomotion means", "drive means" is not a proper recitation of 112, 6th paragraph. The word "means" is preceded by the words "locomotion", "drive" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

2. Claims 1, and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrader (5868247) in view of Clark et al. (4522299) or Simpson (1271784). Schrader teaches a golf bag with hollow casing, a collapsible cap hingedly connected, locomotion means 14 and drive means 32, a chamber 18 (note the chamber containing the last two rows of clubs), which on one side near the inside wall of the case attached to the case, a cover 13 fixed to the case by join members 21 with pockets 28-30

Schrader meets all claimed limitations except for the device having a frusto-conical configuration, and the holding chamber being cylindrical. Either Clark or Simpson teaches that it is known in the art to provide a frusto-conical shaped casing. It would have been obvious to one of ordinary skill in the art to provide a frusto-conical shaped casing to provide the desired

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shape for the golf bag. With respect to the holding chamber being cylindrical. It would have been obvious to one of ordinary skill in the art to provide a cylindrical holding chamber to provide the desired shape for the holding chamber.

Regarding claim 3, the term air tight seal does not impart any structure over closure of Schrader.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Schrader rejection, as set forth above, and further in view of Nelson et al. (4629202). It would have been obvious to one of ordinary skill in the art to provide longitudinal tubes (compartments) as taught by Nelson to provide added protection.

4. Claim 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Schrader rejection, as set forth above, and further in view of Morehouse (2415392). Morehouse teaches a folding system comprising a rail 11 anchored to the bottom half of the casing (via portions 30) and sized to allow the movement and housing in its end of a connecting rod 14 on its lower end and fixed to a shaft 8 (via portion 7) carrying the locomotion members 10. The rail being provided with a bridge 6 attached to the shaft by means of two arms. It would have been obvious to one of ordinary skill in the art to provide the transport means as taught by Morehouse to provide an alternative transporting means for the golf bag.

5. Claims 4, and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai
Primary Examiner
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